

**PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

**MINUTES OF THE MEETING
OF THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

May 25, 2005

ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 1:26 pm by Chairman David M. Ylander, DVM, in the Hospitality Room 148 at the Quality Inn/Sandhills Convention Center, 2102 S. Jeffers Street, North Platte, Nebraska. The following members answered the roll call:

David M. Ylander, DVM, Chairman
Steven E. Wright, DVM, Vice-Chairman
Gail Miller, Secretary
Don Cain, Jr, DVM

A quorum was present and the meeting convened. Also in attendance to participate in the meeting in North Platte was Becky Wisell, Section Administrator. Present at the State Office Building in Lincoln, Nebraska, to participate in the meeting via conference call were Terri Nutzman, Assistant Attorney General; Robert Semerena, Administrator, Investigations Division; Michael Grutsch, Program Manager, Larry Wiehn, Investigator, and Jeff Newman, all of the Investigations Division; and Vicki Bumgarner, Credentialing Coordinator, Credentialing Division.

ADOPTION OF AGENDA

Wright moved, seconded by Cain, to adopt the agenda. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

APPROVAL OF MINUTES OF MEETING

Wright moved, seconded by Miller, to approve the minutes of the meeting for January 26, 2005. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

Miller moved, seconded by Wright, to approve the minutes of the emergency conference call for April 7, 2005. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS

Miller moved, seconded by Cain, to go into closed session for the purpose of hearing the investigational reports. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried and the meeting went into closed session at 1:30 pm.

DISCIPLINARY INFORMATION

The Board reviewed disciplinary actions taken and pending since the last meeting.

FINANCIAL REPORT

Wisell reported on the financial status of the Board as of April 30, 2005.

**PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

Board of Veterinary Medicine and Surgery
Minutes of the Meeting
May 25, 2005

UPDATE ON LEGISLATION FOR 2005

Wisell reported on the following bills of concern to the Board:

LB 301 – this bill included legislation repealing Neb. Rev. Stat. 71-1,161, which provided for a temporary license for veterinarians. Wisell stated that the bill had passed and was signed into law. The bill contained an emergency clause, so it was already in effect.

LB 306 – a bill providing for criminal background checks for all applicants for a license for which a controlled substances registration may be issued. This bill was signed into law, and will become effective around the first of September. This will include veterinarians. She said the Department is beginning the implementation process.

LB 318 – a pharmacy bill regarding wholesale distribution. Wisell stated this will be carried over to the next session. She stated that one of the provisions was to change the definition of drugs to include all drugs, including animal drugs. The Board decided to send a letter to the Board of Pharmacy stating that the Board of Veterinary Medicine is not in favor of changing the definition of drugs for the Wholesale Pharmacy Distribution Act. Staff will draft a letter for the Board to review.

PROPOSALS FOR LEGISLATION IN 2006

The Board decided to recommend that legislation be introduced by the Department in 2006 that would provide for a licensed veterinary technician to be added to the membership of the Board.

The Board would like to have legislation introduced which would remove the words “during a school vacation period” for veterinarians and veterinary technicians in Neb. Rev. Stat. 71-1,155(2) and (3), which deal with exemptions from needing a license for students.

The Board considered adding a provision for a temporary license for veterinary technicians. The Board decided against recommending this legislation at this time.

The Board considered what legislation would be required in order to mandate that only licensed veterinarians could order rabies vaccine. This would seem to involve both the Veterinary Practice Act as well as the Rabies Control Act. Wisell will visit with Department Legal Counsel on how this should be approached.

The Board discussed the new policy of the National Board of Veterinary Medical Examiners that limits candidates for the North American Veterinary Licensing Examination (NAVLE) to five attempts to pass in a five year period. The Board is in favor of this policy. The Board wondered if the statute or regulations would need to be revised in order to implement this policy for Nebraska. Wisell will check with the Legal Department. If a statutory change is required, the Board would like to propose this for legislation in 2006.

The Board proposes changing the language of Neb. Rev. Stat. 71-1,153 to read “Licensed veterinary technician means a person who is validly and currently licensed...” The Board feels that current language does not make sense, if one is not allowed to call themselves a veterinary technician until they hold a license as such.

The Board discussed the use of the term “veterinary technology” in the Regulations. This term is not defined in statute or regulations. When the Regulations are next revised, the Board will look closely at

**PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

Board of Veterinary Medicine and Surgery
Minutes of the Meeting
May 25, 2005

this to determine if they want to define the term “veterinary technology” or replace it with other language wherever it is used in the Regulations.

Wisell discussed the rewrite of the Uniform Licensing Law project. This will be discussed at the All Board Member Meeting on June 10 at Mahoney State Park. The plan is to take the present draft of the rewrite to interested parties all across the State, and after such input is considered, enter a final draft as legislation in 2006.

Cain, Ylander and Wright all plan to attend the All Board Member Meeting on June 10.

Cain proposed legislation for 2006 that would add the words “testing for fertility” of Neb. Rev. Stat. 71-1,154(3)(a) which defines the practice of veterinary medicine and surgery. He stated that perhaps this would help the problem of semen testing of bulls by unlicensed individuals.

The Board proposed legislation which would include the words “veterinary technician schools” in Neb. Rev. Stat. 71-1,152.01, so that the Board would have authority over veterinary technician schools, in addition to veterinary medicine schools.

EDUCATIONAL OUTREACH

The Board discussed the Informational Meetings which they were in the process of presenting across the State. They stated that the response they have received from those attending the meetings has been that they are not interested in receiving a newsletter from the Board – they already receive too many newsletters. The general consensus from the attendees was that licensees would like to receive an informational letter from the Board when important issues arise.

The Board decided to send a summarization of the Informational Meetings to all licensees. Some issues that came up during the Informational Meetings need further clarification from Department Legal Counsel. These include: ownership of medical records, abandonment of animals. After the issues are clarified, a draft summarization will be prepared by staff for Board review.

APPLICATIONS FOR LICENSURE

Will Jordan, DVM – application for a license to practice veterinary medicine and surgery. The Board reviewed information concerning three misdemeanor convictions (1999, 2000 and 2001). Wright moved, seconded by Miller, to approve the issuance of a license to Jordan. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

Laurie Epp – application to practice as a veterinary technician. The Board reviewed information concerning the disciplinary revocation of Epp’s Nebraska Registered Nurse license in 1994. Wright moved, seconded by Miller, to approve the issuance of a license to Epp. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

Shanna Schnase – application to practice as a veterinary technician. The Board reviewed information concerning her response to one of the questions on the application. Cain moved, seconded by Wright, to approve the issuance of a license to Schnase. Voting aye: Ylander, Wright, Miller, Cain. Voting nay: none. Motion carried.

**PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

Board of Veterinary Medicine and Surgery
Minutes of the Meeting
May 25, 2005

ACCREDITED PROGRAMS IN VETERINARY TECHNOLOGY IN NEBRASKA

Letters were sent to the three veterinary technician programs in Nebraska offering to have Department staff present information on licensure of veterinary technicians to the students at their facilities. In addition, a special invitation was extended to the staff and students at the schools to attend one of the Informational Meetings being offered across the State in May.

At the last meeting, the Board voted to send a letter to the three veterinary technician schools in Nebraska stating the concern of the Board with the scores their graduates attain, and asking them to attend the next meeting of the Board to address this issue; and, to send a letter to the AVMA stating the same concern with the scores. At the time of the meeting, these letters had not been prepared. Wright stated that he will speak personally with Dr. Gary Leff, who is head of the veterinary technician accreditation process with the AVMA. Letters should not be sent to the AVMA or the schools until he speaks with Dr. Leff.

The Board directed staff to obtain information regarding what body would have the final authority over each of the three veterinary technician schools in Nebraska.

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS ISSUES

All four Board members will be attending the AAVSB Annual Meeting September 9, 10, 11. Becky will try to attend if her schedule permits.

The Board had no nominations for the AAVSB Board of Directors.

Ylander stated that he worked on the AAVSB By-Laws.

Ylander will be the Board delegate to the AAVSB Annual Meeting.

SET DATE OF NEXT MEETING

The date of the next meeting was set for September 26, 8:00 am in North Platte, Nebraska.

GENERAL INFORMATION

The Board discussed information received from Bradley T. Jones, DVM, of Hastings, Nebraska. He is interested in employing an animal behaviorist certified by the Animal Behavior Society. This person would not be a veterinarian. The Board considered this activity to be within the scope of practice for veterinary medicine.

The Board wants to continue to explore this topic of collaborative practice, for animal behaviorists, massage, physical therapy, chiropractic and any other practices that could be considered the practice of veterinary medicine, but are beginning to be practiced on animals by non-veterinarians. Ylander stated that the AAVSB is developing a model practice act to address these types of situations.

The Board discussed information received from the AAVSB regarding continuing education on the topics of ethics and recordkeeping for veterinarians. There are very few courses on these subjects, and the AAVSB has received many requests for education on these topics, particularly pertaining to cases where a licensee must obtain such a course as a requirement for discipline imposed by a state board. AAVSB has received information that the Veterinary Information Network (VIN) offers a course

**PLEASE NOTE: THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

Board of Veterinary Medicine and Surgery
Minutes of the Meeting
May 25, 2005

in ethics for the Florida Board, and would be willing to put together courses in both of the areas if they have enough participants.

The Board was interested in these courses to use in disciplinary cases, particularly, but would like further information on the content, and also was concerned about the cost, particularly if membership with the VIN would be a requirement. The Board wondered if there would be a method whereby a licensee could take the course without becoming a member of VIN.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:00 pm.

Respectfully submitted,

Gail Miller, Secretary
Board of Veterinary Medicine and Surgery